

Revision 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
DIVISION

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QUESTIONNAIRE FOR PRISONERS PROCEEDING  
PRO SE UNDER 42 U.S.C. §1983

U.S. DISTRICT COURT  
MIDDLE DIST. OF GEORGIA  
MACON, GEORGIA

James Manuel Phillips Jr.

G.D.C. #681762

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

VS.

NO. **5:15-CV-249**

Governor, Nathan Deal

Georgia Dept. of Corr.'s

Dooly State ~~Phillips~~ Prison

Taylor Regional Hospital

(NAME OF EACH DEFENDANT)

(see Attachment "A")

Defendant(s)

I. GENERAL INFORMATION

1. Your full name and prison number James Manuel Phillips Jr. #681762
2. Name and location of prison where you are now confined Dooly State Prison,  
Dooly County Georgia, 1412 Plunkett Rd., Unadilla, GA. 31091
3. Sentence you are now serving (how long?) 20 yrs.
  - (a) What were you convicted of? N/A
  - (b) Name and location of court which imposed sentence N/A
  - (c) When was sentence imposed? N/A
  - (d) Did you appeal your sentence and/or conviction? ☒ Yes ☐ No
  - (e) What was the result of your appeal? N/A
  - (f) Approximate date your sentence will be completed 2019

## II. PREVIOUS LAWSUITS

4. Other than the appeal of your conviction or sentence, have you ever submitted a lawsuit for filing in any federal or state court dealing with the SAME FACTS involved in this lawsuit or otherwise related to your imprisonment? ☐ Yes ☒ No

5. If your answer to question 4. is "Yes," list that lawsuit below, giving the following information: (IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): N/A

Defendant(s): N/A

(b) Name of Court: N/A

(c) Docket Number: N/A When did you file this lawsuit? N/A

(d) Name of judge assigned to case: N/A

(e) Is this case still pending ☐ Yes ☒ No

(f) If your answer to (e) is "No," when was it disposed of and what were the results?  
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?) N/A

6. Have you ever submitted a lawsuit for filing in any federal or state court dealing with facts OTHER THAN those involved in this lawsuit? ☒ Yes ☐ No

7. If your answer to question 6. is "Yes," list that lawsuit below, giving the following information: (IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): JAMES MANUEL PHILLIPS JR.

Defendant(s): WARDEN

(b) Name of Court: NORTHERN DIST. OF GA. (ATLANTA DIV.)

(c) Docket Number: 1:09-CV-1855 When did you file this lawsuit? 2009

(d) Name of judge assigned to case: Hon. Timothy C. Batten, Sr.

(e) Is this case still pending ☒ Yes ☐ No

(f) If your answer to (e) is "No," when was it disposed of and what were the results?  
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

N/A

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? ☐ Yes ☒ No (Not Yet)

If your answer is Yes, state the name of the court and docket number as to each case:

Note: I am currently in the  
11<sup>th</sup> Circuit Court of Appeals  
for my 2009 Hubens Corpus.

### III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? Dooly State  
Prison, Unadilla, GA.

(a) Does this institution have a grievance procedure? ☒ Yes ☐ No

(b) If your answer to question 9(a) is "Yes," answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

☒ Yes ☐ No

(2) If Yes, what was the result? STANDARD denial

(3) If No, explain why not: Sometimes they will not even  
accept a grievance or allow you to go to  
file it.

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.  
I have attempted to talk to staff and I have sent letters.

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? ☒ Yes ☐ No

(1) If Yes, to whom did you appeal and what was the result? entire process (Warden; Atlanta) standard denial.

(2) If No, explain why you did not appeal: Sometimes they will not accept the grievance so one cannot appeal.

10. In what other institutions have you been confined? Give dates of entry and exit.

N/A

#### IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/ mailing address.

Dooly State Prison  
P.O. Box 750/K-4-8B  
Wadilla, GA. 31091-0750

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

Prison will not provide me this information.  
The "Defendants" as listed is all I have.

## V. STATEMENT OF CLAIM

**13. In the space hereafter provided, and on separate sheets of paper, if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.**

**DO NOT GIVE ANY LEGAL ARGUMENT OR CITE ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULE 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, AND DIRECT! If the court needs additional information from you, you will be notified.**

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? Taylor Regional Hospital / Dooly State Prison

WHEN do you allege this incident took place? Continues

**WHAT happened?** When I arrived at Dooly State Prison on

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

The prison will not provide this information.  
(See Attachments)

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PLAINTIFF